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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/554,406	10/24/2005	Mauro Gelli	6626/PCT	4587
6858 7590 06/20/2007 BREINER & BREINER, L.L.C. P.O. BOX 19290 ALEXANDRIA, VA 22320-0290			EXAMINER TRUONG, THANH K	
			ART UNIT 3721	PAPER NUMBER
			MAIL DATE 06/20/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/554,406

Applicant(s)

GELLI ET AL.

Examiner

Thanh K. Truong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-50 is/are pending in the application.
- 4a) Of the above claim(s) 46-50 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26-35 and 37-45 is/are rejected.
- 7) ☒ Claim(s) 36 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 October 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 10-24-05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I, claims 26-45 in the reply filed on April 10, 2007 is acknowledged.
2. Claims 46-50 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on April 10, 2007.

Specification

3. The abstract of the disclosure is objected to because the abstract should be in narrative form and generally limited to a single paragraph on a separate sheet. Correction is required. See MPEP § 608.01(b).

Drawings

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the following features must be shown or the feature(s) canceled from the claim(s). No new matter should be entered:

“said at least one wheel is motorized” (claim 43); and

“said pressure member is positioned upstream of the winding member” (claim 44).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate

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prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 26, 27 and 44 are rejected under 35 U.S.C. 102(b) as being anticipated by J. T. Yovanovich (2,785,700).

Yovanovich discloses an apparatus comprising: a mandrel (22), a winding member (26), at least two strips of web material (2, 4, 6, 8), at least one pressure member (47) disposed along the path of the tubular product being formed on the mandrel.

Yovanovich further discloses: a belt (24) (as in claim 27), and the pressure member is positioned downstream of the winding member (Figure 1) (as in claim 44).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over J. T. Yovanovich (2,785,700) in view of Tokutome Shinichi (11333219) or Miyake (6,659,152).

As discussed above in paragraph 6 of this office action, Yovanovich discloses the claimed invention, but it does not expressly disclose that the pressure member comprises an actuator to stress the at least one wheel and the mandrel against each other.

Tokutome Shinichi discloses an apparatus comprising: pressure members (17, 18) which comprise actuators (21, 22) to stress at least one wheel and the mandrel against each other (Figure 3).

Miyake discloses an apparatus comprising: pressure member (2) which comprises actuator (14) to stress at least on one wheel against the object between the wheel (2) to provide pressure upon the object that being moved between the wheels.

Therefore, it would have been obvious to one having ordinary skill in the art, at the time applicant's invention was made, to have modified Yovanovich apparatus by

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incorporating the actuator as taught by Tokutome Shinichi or Miyake to provide means to apply force to pressure member against the object being moved between the pressure members (in this instance case, the object is the mandrel).

The modified Yovanovich by Tokutome Shinichi or Miyake further discloses:

the at least one wheel is positioned at a level of an edge line of adjacent turns of an outermost strip of web material forming the tubular product (Yovanovich – figure 1) (as in claim 29), and wherein the wheel (47) includes a circular edge disposed at an inclination, with respect to an axis of the mandrel, essentially equal to an inclination of a helical winding of the at least two strips of web material (Yovanovich – figure 1) (as in claim 30).

9. Claims 31-33 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over J. T. Yovanovich (2,785,700) in view of Tokutome Shinichi (11333219) or Miyake (6,659,152) and further in view of L. F. Kreger (2,776,698).

As discussed above in paragraph 8 of this office action, the modified Yovanovich by Tokutome Shinichi or Miyake discloses the claimed invention, but it does not expressly disclose that the wheel comprise protuberances as recited in claim 31.

Kreger discloses an apparatus comprising: pressure member (61) wherein the circular edge of the wheel (61) has a series of protuberances to provide a better contact between the wheel and the mandrel.

Therefore, it would have been obvious to one having ordinary skill in the art, at the time applicant's invention was made, to have modified Yovanovich apparatus by

incorporating the pressure member as taught by Kreger to provide a better contact between the wheel and the mandrel.

The modified Yovanovich by Tokutome Shinichi or Miyake and Kreger further disclose:

the protuberances comprise teeth (figure 8) (as in claim 32);

the inclination of an axis of rotation of the wheel is adjustable with respect to the axis of the mandrel (Kreger – column 4, lines 27-33) (as in claim 33), and

wherein the at least one wheel (61) is motorized (Figure 8) (as in claim 43).

10. Claims 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over J. T. Yovanovich (2,785,700) in view of L. F. Kreger (2,776,698).

As discussed above in paragraph 6 of this office action, Yovanovich discloses the claimed invention, but it does not expressly disclose that the pressure member comprises at least one supporting element for the mandrel as recited in claim 37.

Kreger discloses an apparatus comprising: the pressure member (61) comprises at least one supporting element (61) for the mandrel (12).

Therefore, it would have been obvious to one having ordinary skill in the art, at the time applicant's invention was made, to have modified Yovanovich apparatus by incorporating the pressure member that has at least one supporting element as taught by Kreger to provide a means to support the mandrel under the pressure of the wheel (61) above it.

The modified Yovanovich by Kreger further discloses: the at least one pressure member comprises two angularly staggered supporting elements arranged to provide

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the mandrel with a reaction force to stress applied by the at least one wheel (Kreger - figure 8) (as in claim 38); and the contact between mandrel, the at least one wheel, and the supporting element lie approximately on a plane orthogonal to an axis of the mandrel (Kreger - figure 8) (as in claim 39).

11. Claims 34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over J. T. Yovanovich (2,785,700) in view of Tokutome Shinichi (11333219) or Miyake (6,659,152) and further in view of Isotani Keiichi (JP 59 009044).

As discussed above in paragraph 8 of this office action, the modified Yovanovich by Tokutome Shinichi or Miyake discloses the claimed invention, but it does not expressly disclose that the at least one wheel is carried by a support arranged to slide in a sleeve and torsionally constrained to the sleeve as recited in claim 34.

Isotani Keiichi discloses an apparatus comprising: the at least one wheel (7) is carried by a support arranged to slide in a sleeve (5) and torsionally constrained to the sleeve (Isotani Keiichi – figure 5).

Therefore, it would have been obvious to one having ordinary skill in the art, at the time applicant's invention was made, to have modified Yovanovich apparatus by incorporating the support arrangement as taught by Isotani Keiichi to provide an effective means to support the pressure member.

The modified Yovanovich by Tokutome Shinichi or Miyake and Isotani Keiichi further discloses: wherein the sleeve (5) is arranged to be locked in an angularly adjustable position with respect to a fixed load-bearing structure (Isotani Keiichi – figures 1-5).

12. Claims 40-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over J. T. Yovanovich (2,785,700) in view of W. Wade (2,250,430).

As discussed above in paragraph 6 of this office action, Yovanovich discloses the claimed invention, but it does not expressly disclose that the pressure member comprises two wheels acting on the tubular product being formed around the mandrel.

Wade discloses an apparatus comprising the pressure member comprises two wheels (21) acting on the tubular product being formed around the mandrel (10).

Therefore, it would have been obvious to one having ordinary skill in the art, at the time applicant's invention was made, to have modified Yovanovich apparatus by incorporating the two pressure member as taught by Wade to provide an effective pressure means to form the tubular product on the mandrel.

The modified Yovanovich by Wade further discloses: the two wheels (21) are arranged to act on an outer surface of the tubular product (22), a first wheel of the two wheels at a level of a joining line of adjacent turns formed by an outermost strip of web material and a second wheel of the two wheels at a level of a joining line of adjacent turns formed by an innermost strip of web material (as in claim 41), and the two wheels are disposed staggered by about 180 degrees around an axis of the mandrel and in a position wherein a straight line uniting contact points of the two wheels with the tubular product being formed on the mandrel is approximately orthogonal to the axis of the mandrel (Wade – figure 1) (as in claim 42).

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13. Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over J. T. Yovanovich (2,785,700) in view of Drummond et al. (5,251,809).

As discussed above in paragraph 6 of this office action, Yovanovich discloses the claimed invention, but it does not expressly disclose that the pressure member is positioned upstream of the winding member as recited in claim 45.

Drummond et al. discloses an apparatus wherein the pressure member (108) is positioned upstream of the winding member (124).

Therefore, it would have been obvious to one having ordinary skill in the art, at the time applicant's invention was made, to have modified Yovanovich apparatus by incorporating the arrangement of the pressure member as taught by Drummond et al. to provide an alternative arrangement of the pressure member.

Allowable Subject Matter

14. Claim 36 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

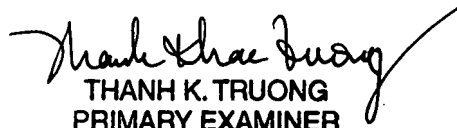
16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh K. Truong whose telephone number is 571-272-4472. The examiner can normally be reached on Mon-Thru 8:00AM - 6:30PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

tkk
June 14, 2007.


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PRIMARY EXAMINER
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